

**§ 163A-987. Filling vacancies among party nominees occurring after nomination and before election.**

(a) If any person nominated as a candidate of a political party for one of the offices listed below (either in a primary or convention or by virtue of having no opposition in a primary) dies, resigns, or for any reason becomes ineligible or disqualified before the date of the ensuing general election, the vacancy shall be filled by appointment according to the following instructions:

Position

President	Vacancy is to be filled by appointment of
Vice President	national executive committee of
	political party in which vacancy occurs

Presidential elector or alternate elector	Vacancy is to be filled by appointment of
Any elective State office	State executive committee of political
United States Senator	party in which vacancy occurs

A district office, including:	Appropriate district executive committee of
Member of the United States House	political party in which vacancy occurs
of Representatives	
Judge of district court	
District Attorney	
State Senator in a multi-county	
senatorial district	
Member of State House of	
Representatives in a multi-county	
representative district	

State Senator in a single- county	County executive committee of political
senatorial district	party in which vacancy occurs,
Member of State House of	provided, in the case of the State
Representatives in a single-county	Senator or State Representative in a
representative district	single-county district where not all the
Any elective county office	county is located in that district, then in
	voting, only those members of the
	county executive committee who reside
	within the district shall vote

Judge of superior court in a	County executive committee of political
single-county judicial	party in which vacancy occurs;
district where the district is	provided, in the case of a superior court
the whole county or part of the	judge in a single-county district where
county	not all the county is located in that
	district, then in voting, only those
	members of the county executive
	committee who reside within the district
	shall vote

Judge of superior court in a	Appropriate district executive committee of
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multicounty judicial district

political party in which vacancy occurs.

The party executive making a nomination in accordance with the provisions of this section shall certify the name of its nominee to the chairman of the board of elections, State or county, that has jurisdiction over the ballot item under G.S. 163A-1171. If at the time a nomination is made under this section the general election ballots have already been printed, the provisions of G.S. 163A-1107(c) shall apply. If a vacancy occurs in a nomination of a political party and that vacancy arises from a cause other than death and the vacancy in nomination occurs more than 120 days before the general election, the vacancy in nomination may be filled under this section only if the appropriate executive committee certifies the name of the nominee in accordance with this paragraph at least 75 days before the general election.

(b) In a county which is partly in a multicounty judicial district, in choosing that county's member or members of the judicial district executive committee for the multicounty district, only the county convention delegates or county executive committee members who reside within the area of the county which is within that multicounty district may vote.

(c) In a county not all of which is located in one congressional district, in choosing the congressional district executive committee member or members from that area of the county, only the county convention delegates or county executive committee members who reside within the area of the county which is within the congressional district may vote.

(d) In a county which is partly in a multi-county senatorial district or which is partly in a multi-county House of Representatives district, in choosing that county's member or members of the senatorial district executive committee or House of Representatives district executive committee for the multi-county district, only the county convention delegates or county executive committee members who reside within the area of the county which is within that multi-county district may vote.

(e) An individual whose name appeared on the ballot in a primary election preliminary to the general election shall not be eligible to be nominated to fill a vacancy in the nomination of another party for the same office in the same year. (1929, c. 164, s. 19; 1967, c. 775, s. 1; 1973, c. 793, s. 45; 1981 (Reg. Sess., 1982), c. 1265, ss. 4, 5; 1987, c. 509, s. 10; c. 526; c. 738, s. 124; 1987 (Reg. Sess., 1988), c. 1037, s. 126.1; 1991, c. 727, s. 8; 1996, 2nd Ex. Sess., c. 9, s. 13; 2001-353, s. 1; 2001-403, s. 8; 2001-460, s. 4; 2003-142, s. 1; 2006-234, s. 6; 2017-3, s. 9; 2017-6, s. 3.)